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**IN THE SENATE OF THE UNITED STATES.**

JANUARY 20, 1853.

Read twice, and referred to the Committee on the District of Columbia.

FEBRUARY 10, 1853.

Reported with amendments, viz: Strike out the parts within [brackets,] and insert those printed in *italics*.

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**AN ACT**

To suppress the circulation of small notes, as a currency, in the District of Columbia.

1       *Be it enacted by the Senate and House of Representatives*  
2   *of the United States of America in Congress assembled, [That*  
3   if any person or persons, body politic or corporate, within the  
4   District of Columbia, shall, from and after the passage of this act,  
5   make, sign, draw, endorse, emit, or issue any note, bill of ex-  
6   change, bill of credit, order, ticket, promise, agreement, or  
7   any other instrument of writing, in a less amount or of a less  
8   denomination than five dollars, or for the payment or delivery  
9   of money, notes, or other valuable thing, or of anything pur-  
10   porting to be a valuable thing, of a less amount or denomina-  
11   tion than five dollars, or purporting or evidencing, or intended  
12   to purport or evidence, that any sum less than five dollars will  
13   be paid in money, notes, or other thing, to any person re-

14 ceiving or holding such note, bill of exchange, or other instru-  
 15 ment of writing above mentioned, or that it will be received  
 16 in payment of any debt or dues, with the intention to create  
 17 or put into circulation a paper currency, either as money, or  
 18 in lieu of money, every such person, and every member, offi-  
 19 cer, or agent of any such body politic or corporate, directly  
 20 or indirectly engaged and concerned in, or assenting to, such  
 21 making, signing, drawing, endorsing, emitting, or issuing as  
 22 aforesaid, for any of the purposes aforesaid, shall be liable to  
 23 indictment by the grand jury of the District of Columbia for  
 24 a misdemeanor ; and, on conviction thereof, shall be imprison-  
 25 ed for a term not less than ten days nor more than one year,  
 26 and fined in a sum not less than fifty nor more than five hun-  
 27 dred dollars. And on the trial of any such indictment, if the  
 28 note, bill, order, ticket, or other instrument in question, be in  
 29 part or in the whole printed or engraven, it shall be deemed  
 30 sufficient evidence of an intention to put the same into cir-  
 31 culation in violation of this act, unless the contrary be clearly  
 32 shown.

1       SEC. 2. *And be it further enacted,* That if any person,  
 2 or any association, partnership, or company of individuals, or  
 3 any body politic or corporate, within the District of Colum-  
 4 bia, shall, from and after the passage of this act, have, main-  
 5 tain, or keep, within the limits of said District, any banking-  
 6 house, broker's office, or other office, room, or place of busi-

7   ness, in or from which shall or may be made, emitted, issued,  
 8   uttered, signed, drawn, or endorsed, bills of credit, bonds,  
 9   promissory notes, bills of exchange, orders, tickets, or any  
 10   other instruments of writing, obligations, promises, contracts,  
 11   or agreements, for the payment or delivery of money or other  
 12   valuable thing, or of anything purporting to be a valuable  
 13   thing, of a less amount than five dollars, to be used as a paper  
 14   currency, or as a circulating medium, either as money, or in  
 15   lieu of money or of any other currency, every such person,  
 16   and every member, officer, or agent of such association, part-  
 17   nership, company of individuals, body politic or corporate,  
 18   concerned in or assenting to such having, maintaining, or  
 19   keeping, as aforesaid, such banking-house, broker's office, or  
 20   other office, room, or place of business as aforesaid, shall be  
 21   liable to indictment by the grand jury of the District of Colum-  
 22   bia for a misdemeanor, and on conviction thereof shall be im-  
 23   prisoned and fined for the time and in the amount declared in  
 24   the first section of this act: *Provided*, That for each and  
 25   every day, or part of a day, during which said banking-house,  
 26   broker's office, or other office, room, or place of business,  
 27   shall be so had, maintained, or kept, every person and every  
 28   member, officer, or agent, as aforesaid, so offending as afore-  
 29   said, shall be deemed guilty of a distinct and separate offence,  
 30   and subject to the penalties aforesaid.

1       SEC. 3. *And be it further enacted*, That if any person,

2 or any association, partnership, or company of individuals, or  
3 any body politic or corporate, whether within or without the  
4 District of Columbia, shall make, emit, issue, utter, sign,  
5 draw, or endorse any bill of credit, bank note, promissory  
6 note, bill of exchange, order, ticket, or any other instrument  
7 of writing, obligation, promise, contract, or agreement, for the  
8 payment or delivery of anything other than money, in a less  
9 amount or of a less denomination than five dollars, to be used  
10 as a circulating medium in this District, every such bill of  
11 credit, bank note, promissory note, bill of exchange, order,  
12 ticket, other instrument of writing, promise, contract, or  
13 agreement, shall be deemed and taken to be made payable in  
14 money at the banking-house, broker's office, or other office,  
15 room, or place of business, at or from which the same shall be  
16 made, emitted, issued, uttered, signed, drawn, or endorsed as  
17 aforesaid; and whether such bill of credit, bank note, promis-  
18 sory note, bill of exchange, order, ticket, other instrument of  
19 writing, obligation, promise, contract, or agreement, purport  
20 to be made payable in money or in the obligations of any  
21 bank or of any association, partnership, or company of indi-  
22 viduals, or of any body politic or corporate, or of any indi-  
23 vidual, it shall be deemed and taken to be made payable in  
24 money by the person, association, partnership, or company of  
25 individuals, body politic or corporate, making, emitting, issu-  
26 ing, uttering, signing, drawing, or endorsing the same; and in

27 default of payment of any such bill of credit, bank note,  
28 promissory note, bill of exchange, order, ticket, other instru-  
29 ment of writing, obligation, promise, contract, or agreement  
30 as aforesaid, at the banking-house, broker's office, or other  
31 office, room, or place of business, at or from which the same  
32 shall be made, emitted, issued, uttered, signed, drawn, or en-  
33 dorsed as aforesaid, or in default of payment by the person,  
34 association, partnership, or company of individuals, body poli-  
35 tic or corporate, making, emitting, issuing, uttering, signing,  
36 drawing, or endorsing the same, whenever and wherever de-  
37 manded, then the amount thereof shall be recoverable by ac-  
38 tion of debt before any justice of the peace in the District of  
39 Columbia; and in any case in which the holder of such bill of  
40 credit, bank note, promissory note, bill of exchange, order,  
41 ticket, other instrument of writing, promise, contract, or  
42 agreement, shall make affidavit before any justice of the peace  
43 as aforesaid that the same has been presented for payment as  
44 aforesaid, and that payment thereof has been refused, and that  
45 the same is still due and unpaid, and shall file the same in the  
46 office of the said justice, it shall be the duty of the said jus-  
47 tice to issue his warrant for the arrest of the person or per-  
48 sons, or any of them, concerned in or assenting to the making,  
49 emitting, issuing, uttering, signing, drawing, or endorsing of  
50 the same; and such person or persons shall not be discharged

51 from such arrest until the debt and costs are paid or secured  
52 to be paid.

1        SEC. 4. *And be it further enacted*, That if any person  
2 association, partnership, or company of individuals, or any  
3 body politic or corporate, within the District of Columbia,  
4 shall make, emit, issue, utter, sign, draw, or endorse any bill  
5 of credit, bond, promissory note, bill of exchange, order,  
6 ticket, or any other instrument of writing, obligation, promise,  
7 contract, or agreement, for the payment or delivery of money,  
8 or other valuable thing, or of anything purporting to be a  
9 valuable thing, of a less amount than five dollars, to be used as  
10 a paper currency, or as a circulating medium, either as money,  
11 or in lieu of money or of any other currency, every such per-  
12 son, and every member, officer, or agent of such association,  
13 partnership, company of individuals, body politic or corpo-  
14 rate, concerned in, or assenting to, such making, emitting,  
15 issuing, uttering, signing, drawing, or endorsing as aforesaid,  
16 for any of the purposes aforesaid, shall forfeit and pay the sum  
17 of ten dollars for each and every bill of credit, bond, promis-  
18 sory note, bill of exchange, order, ticket, or any other instru-  
19 ment of writing, obligation, promise, contract, or agreement,  
20 for any of the purposes aforesaid; the said sum of ten dollars  
21 to be recovered in a qui tam action of debt before any justice  
22 of the peace in the District of Columbia, brought in the name  
23 of the informer, or in the name of the corporation of Wash-

24 ington city or of the corporation of Georgetown, in said Dis-  
 25 trict, accordingly as the offence may have been committed  
 26 within the limits of either of said corporations, one-half to go  
 27 to said informer, and the other half into the treasury of the  
 28 corporation of said Washington city or of the corporation of  
 29 Georgetown, accordingly as the offence may have been com-  
 30 mitted within the limits of either of said corporations ; and  
 31 jurisdiction is hereby expressly given to each and every justice  
 32 of the peace in the District of Columbia to try and adjudicate  
 33 each and every such case : *Provided, however,* That no person  
 34 who may have been indicted and convicted under this act shall  
 35 be liable to such action on the same instrument of writing ;  
 36 and that no person who may be proceeded against in such  
 37 action shall be liable to indictment on the same instrument of  
 38 writing under this act : *And provided, also,* That the same  
 39 rule of evidence which is prescribed in the first section of this  
 40 act as to the concernment or assent of members, officers, and  
 41 agents of any association, partnership, company of individuals,  
 42 body politic or corporate, committing any of the offences as  
 43 aforesaid, shall be applied to actions brought under the au-  
 44 thority of this section.

1        SEC. 5. *And be it further enacted,* That if any person,  
 2 or any association, partnership, or company of individuals, or  
 3 any body politic or corporate, without the limits of the Dis-  
 4 trict of Columbia, shall by himself, herself, or themselves, or

5 itself, or through or by any agent or agents of himself, herself,  
6 themselves, or itself, bring or send, or cause or procure to be  
7 brought or sent, into the District of Columbia, to be used  
8 within the said District of Columbia as a paper currency, or  
9 as a circulating medium, either as money, or in lieu of money  
10 or of any other currency, any bill of credit, bank note, promis-  
11 sory note, bill of exchange, order, ticket, or any other instru-  
12 ment of writing, obligation, promise, contract, or agreement,  
13 for the payment or delivery of money or other valuable thing,  
14 or of anything purporting to be a valuable thing, of a less  
15 amount than five dollars, every such person, association, part-  
16 nership, company of individuals, body politic or corporate,  
17 without the limits of the District of Columbia, and every mem-  
18 ber, officer, or agent of such last-mentioned association, part-  
19 nership, company of individuals, body politic or corporate,  
20 concerned in, or assenting to, such bringing or sending, or to  
21 the causing or procuring of such bringing or sending into the  
22 said District of Columbia, to be used as aforesaid, within the  
23 said District, as a paper currency, or as a circulating medium,  
24 either as money, or in lieu of money or of any other curren-  
25 cy, of any letter of credit, bank note, promissory note, bill of  
26 exchange, order, ticket, or any other instrument of writing,  
27 obligation, promise, contract, or agreement, for the payment or  
28 delivery of money or other valuable thing, or of anything pur-



29 porting to be a valuable thing, of a less amount than five dol-  
 30 lars, shall be liable to indictment by the grand jury of the Dis-  
 31 trict of Columbia, and to action of debt before a justice of the  
 32 peace, as hereinbefore provided, and to the same penalties and  
 33 consequences on such indictment or action, and to the same  
 34 rule of evidence as to concernment in, or assent to, such bring-  
 35 ing or sending, or of such causing or procuring to be brought  
 36 or sent, into the District of Columbia, for the purpose or pur-  
 37 poses aforesaid, of any bill of credit, bank note, promissory  
 38 note, bill of exchange, order, ticket, or any other instrument  
 39 of writing, obligation, promise, contract, or agreement, for the  
 40 payment or delivery of money or other valuable thing, or of  
 41 anything purporting to be a valuable thing, of a less denomina-  
 42 tion than five dollars, as are hereinbefore provided and de-  
 43 clared.]

1       *That if any person or persons, body politic or corporate,*  
 2 *within the District of Columbia, shall make, emit, issue, utter,*  
 3 *sign, draw, or endorse any bank note, promissory note, or any*  
 4 *instrument of writing, for the payment or delivery of money,*  
 5 *or other valuable thing, or of anything purporting to be a val-*  
 6 *uable thing, of a less amount than five dollars, to be used as*  
 7 *a paper currency, or as a circulating medium, either as money,*  
 8 *or in lieu of money or of any other currency, every such per-*  
 9 *son, and every member, officer, or agent of such body politic*

10 or corporate, concerned in, or assenting to, such making, emit-  
11 ting, issuing, uttering, signing, drawing, or endorsing as afore-  
12 said, for any of the purposes aforesaid, shall forfeit and pay  
13 the sum of ten dollars for each and every such bank note,  
14 promissory note, or instrument of writing so made, issued,  
15 emitted, uttered, signed, drawn, or endorsed, one-half to use  
16 of any person who shall sue therefor, and the other half to  
17 the county of Washington, District of Columbia. And on  
18 the trial of any such cause, if the promissory note, bank note,  
19 or other instrument in question, be in part or in the whole  
20 printed or engraven, it shall be deemed sufficient evidence of an  
21 intention to put the same into circulation in violation of this  
22 act, unless the contrary be shown.

1        SEC. 2. And be it further enacted, That it shall be un-  
2 lawful for any person or persons, body politic or corporate, to  
3 pass, or offer to pass, within the District of Columbia, any  
4 bank note, promissory note, or any instrument in writing of a  
5 less denomination or amount than five dollars, either as money,  
6 or in lieu of money or of any other currency, and any person  
7 or persons, and every member, officer, or agent of such body  
8 politic or corporate, violating the provisions of this section,  
9 shall forfeit and pay a sum not less than five nor more than  
10 ten dollars for every such offence, one-half to the use of the  
11 person who shall sue therefor, and the other half to the use of  
12 the county of Washington, District of Columbia.

1        SEC. 3. *And be it further enacted, That any person or*  
 2 *persons, body politic and corporate, holding any such bank*  
 3 *note, promissory note, or instrument in writing, may present*  
 4 *the same for payment to the person or persons, body politic or*  
 5 *corporate, that made, emitted, issued, uttered, signed, drew, or*  
 6 *endorsed the same, and if, upon such presentment, the person*  
 7 *or persons, body politic or corporate, that made, emitted, issued,*  
 8 *uttered, signed, drew, or endorsed the same, neglect or refuse*  
 9 *to redeem the same in gold or silver, such party so neglecting*  
 10 *or refusing, shall forfeit and pay the sum of twenty dollars*  
 11 *for each and every such bank note, promissory note, or instru-*  
 12 *ment in writing so presented, and payment thereof neglected or*  
 13 *refused as aforesaid to the use of the person or persons, body*  
 14 *politic or corporate, holding and presenting the same as afore-*  
 15 *said.*

1        SEC. 4. *And be it further enacted, That each and every*  
 2 *forfeiture under the foregoing provisions of this act shall be*  
 3 *recovered in an action of debt, before any justice of the peace*  
 4 *in the District of Columbia, in the name of any person who*  
 5 *shall sue therefor; and jurisdiction is hereby expressly given*  
 6 *to each and every justice of the peace in the District of Co-*  
 7 *lumbia to try and adjudicate each and every such case.*

1        SEC. 6. *And be it further enacted, That all contracts,*  
 2 *whether written or verbal, to pay or deliver money or any*  
 3 *valuable thing, or thing purporting to be a valuable thing, the*

4 consideration whereof may be, either wholly or in part, any  
5 paper currency or circulating medium under five dollars, or  
6 other paper or currency prohibited by this act, shall be deemed  
7 and held to be illegal and void; and the person or persons  
8 suing on such contract shall have no remedy in any court of  
9 law or equity; and, in any suit brought on such contract, it  
10 shall be competent for the defendant, under the general issue,  
11 or any appropriate special plea, to offer evidence of the nature  
12 or of the consideration of the contract so sued on; and on the  
13 defendant's making oath that he or she has not evidence suffi-  
14 cient to prove the nature or consideration of such contract, it  
15 shall be the duty of the court before which such suit may be  
16 brought to require the plaintiff or plaintiffs, or either or any of  
17 them, to be sworn to testify the truth in regard to the trans-  
18 action; and if the plaintiff or plaintiffs shall not be present at  
19 the trial, to compel the attendance of such plaintiff or plaintiffs  
20 as a witness or witnesses, and to postpone or continue the  
21 cause till such attendance can be procured; and if, after the  
22 whole evidence shall have been heard, it shall appear that the  
23 consideration, either wholly or in part, of the contract, was  
24 such paper currency or circulating medium prohibited by this  
25 act, judgment shall be rendered for the defendant or defend-  
26 ants, and for costs against the plaintiff or plaintiffs.

1       SEC. 7. *And be it further enacted*, That if any merchant,  
2 hotel-keeper, shop-keeper, grocer, commission merchant, or

3 insurance agent, any owner or driver of a hackney carriage,  
4 omnibus, cart, wagon, or dray, any huckster, butcher, auc-  
5 tioneer, livery-stable keeper, any owner or keeper of a billiard  
6 table or ten-pin alley, any pawnbroker, any manager or agent  
7 of theatrical or other amusements, any hawker or pedlar, trans-  
8 acting business under a license granted by the corporation of  
9 the city of Washington or of Georgetown, in the District of  
10 Columbia, or any other person or persons transacting business  
11 under such license, shall either receive or pay out any paper  
12 under the denomination of five dollars, or any other paper not  
13 payable in specie on demand, so prohibited as aforesaid, it  
14 shall be the duty of the attorney of the United States for the  
15 District of Columbia to sue out process in the nature of a scire  
16 facias, or to institute other suitable proceedings in the circuit  
17 court of the District of Columbia, against such offender or  
18 offenders, returnable to the said court immediately, if said court  
19 be then sitting, or to the next term of said court, if there be  
20 then a vacation of the terms of said court, requiring such of-  
21 fenders to show cause why his, her, or their license aforesaid  
22 shall not be forfeited; and on proof exhibited to said court of  
23 such receiving or paying out of such prohibited paper as afore-  
24 said, said court shall forfeit, annul, and vacate such license,  
25 and no other license for any purpose shall be granted to such  
26 offender or offenders until one year thereafter shall have passed  
27 and expired.

1        SEC. 8. *And be it further enacted,* That it shall be the  
2 duty of the marshal of the District of Columbia, and of every  
3 constable of said District, to give information to some justice  
4 of the peace in said District [and at the commencement of  
5 every term of the criminal court of said District to the grand  
6 jury] of every violation of this law which may come to his  
7 knowledge ; [and it shall be the duty of the judge of the crimi-  
8 nal court to give this act in charge, and cause it to be read to  
9 the grand jury at the beginning of every term of said court ;  
10 and that it shall be the duty of the clerk of said court to apply  
11 at the Department of State for, and of the Secretary of State  
12 to furnish said clerk with, a sufficient number of copies of this  
13 act for the use of the grand jury, justices of the peace, and  
14 constables in the District of Columbia, from time to time ;  
15 of which copies said clerk shall deliver two to the foreman of  
16 the grand jury at the beginning of each term of said criminal  
17 court, one to every existing justice of the peace in the Dis-  
18 trict of Columbia, one to every such justice who may hereafter  
19 be commissioned, one to every existing constable in said Dis-  
20 trict, and one to every such constable who may hereafter be  
21 appointed.]

1        SEC. 9. *And be it further enacted,* That on the trial of  
2 any cause, [other than a criminal prosecution,] under the pro-  
3 visions of this act, it shall be lawful for the court *or justice*  
4 before whom such cause is pending to cause to be brought be-

5 fore said court *or justice*, and examined as a witness, any  
6 defendant to any such suit, his agent, or employer, touching  
7 the matters and things in controversy, and to employ such pro-  
8 cess to effect the object aforesaid as is usual in other cases.

1       SEC. 10. *And be it further enacted*, That this act shall be  
2 in force from and after the passage thereof; and that so much  
3 and such parts of all former acts as may be repugnant to this  
4 act be, and the same are hereby, repealed.